

GEORGIA STATE BOARD OF OPTOMETRY

April 19, 2006

Draft: 4/19/06

A Board meeting of the Georgia State Board of Optometry was held on Wednesday, April 19, 2006 at 10:00 a.m. at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia

The following Board members were present: Absent:

Kay Royal, President

R. Whitman Lord

H. Kemp Jones

Dudley Christie

Bill Sharpton

Patricia Donnelly

Others Present: Brig Zimmerman, Executive Director, Wylencia Monroe, Board Attorney Georgianne Bearden, Executive Vice president/Director GOA, Inez Lockett, Exam Analyst, Kathy Harvey, Enforcement, Serena Gadson, Application Specialist, Yvonne LeSane, Application Specialist and Sheila Sryock, Board Secretary

President Royal established that a quorum was present and called the meeting to order at 10:00 a.m.

Dr. Jones moved and Dr. Christie seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. re-1-2(k)(1)(2), 43-1-19(h)(2)&(4), 43-1-2(k)(4) and 50-14-2(1) and to discuss Applications, receive information from Cognizant Report, Investigations and the Attorney General's Report. In favor of the motion were those present who included Board members Kay Royal, H. Kemp Jones, Dudley Christie, Bill Sharpton and Patricia Donnelly. The Board concluded Executive Session in order to vote on these matters and to continue with the public session.

Minutes: Dr. Jones moved and Dr. Christie seconded and the Board voted to approve the minutes from the January 04, 2006 and January 31, 2006.

PUBLIC HEARING:

Rule 430-2-08: Volunteers in Optometry:

Kay Royal, President, established that a quorum was present, and called the Public Hearing to order at 10:05 A.M. As there were no comments submitted and no members of the public attended the hearing, the public hearing was adjourned at 10:10 A.M.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

After discussion and consideration of the rule change, Dr. Christie moved and Dr. Sharpton seconded and the Board voted to adopt the proposed rule change for rule 430-2-.08 in accordance with 50-13-4(a)(1) as posted:

Rule 430-2-08: Volunteers in Optometry:

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for optometric services, and when it has located a competent optometrist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply optometric services. In determining what constitutes an inadequate supply of optometry personnel, the Board shall consider various factors, including the optometrist-patient ratio in the area in question, the distance between patients and existing optometrist, the misdistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate optometric services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such an optometrist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualification of the Optometrist.

1. The optometrist must submit an application for a volunteer license to the Board and must be retired from the practice of optometry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing;

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the Board.

3. If the Board determines there is demonstrated inability and reasonable grounds to inquire into an applicants mental and physical capacity, the applicant may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license, the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license. During the period of time the licensee maintains such license, the licensee must comply with the continuing education requirements established by the Board;

5. There shall be no application or licensing fee for initial issuance of a volunteer license;

6. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on January 31 of the following even-numbered year. Fees for license renewal shall be assessed as shown on the schedule of fees adopted by the board. Licenses which have been administratively revoked shall be reinstated only in the discretion of the board;

7. Any other provisions of Chapter 30, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the provisional license statute shall be fully applicable to all licensed optometrist.

O.C.G.A. §43-1-19, 43-1-25, 43-1-28, 43-30-5 and 43-30-8

Rule 430-5-.01 Treatment Plans and Eye Examinations. Amended.

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

After discussion and consideration of the rule change, Dr. Christie moved and Dr. Sharpton seconded and the Board voted to adopt the proposed rule change for rule 430-5-.01 in accordance with 50-13-4(a)(1) as posted:

430-5-.01 Treatment Plans and Eye Examinations. Amended

(1) Before diagnosing or prescribing a treatment plan for any patient, the following must be determined;

(a) case history as related by patient; and

(b) any pathological conditions of the eyes, both external and internal with diagnosis recorded; and

(c) the need for any necessary optometric tests to ascertain the final treatment plan.

(2) A comprehensive eye examination includes an assessment of a patient's history, any general medical observations, an external and ophthalmoscopic examination, an assessment of gross visual field, visual acuity, ocular alignment and motility, refraction, and, binocular vision and accommodation, a diagnosis, if applicable, and a plan of treatment.

~~(2)~~ (3) The written record of the above determination of each patient examined shall be maintained by the licensed doctor of optometry for a minimum of three (3) years and made available to the Board or its authorized agents for inspection at any reasonable time.

Authority O.C.G.A. § 43-30-5

Rule Discussion:

Rule 430-2-.04 Approval of Educational Programs – CPR/Malpractice Insurance verification requirements wording.

ED Zimmerman continues to work with Attorney General's office on wording; tabled until next meeting.

Rule 430-5-.02 Contents of Prescriptions for Contact Lens:

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed

rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The Board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to post the Notice of Intent to Adopt and Notice of Hearing for the proposed rule change to rule 430-5-.02 for no less than 30 days prior to July 26, 2006 when the Board will hold a hearing on the rule and their intent to adopt the proposed rule change as follows:

Rule 430-5-.02 Contents of Prescriptions for Contact Lens:

(1) A contact lens is any device placed on the anterior of the surface of the eye for refractive, cosmetic, diagnostic or therapeutic purposes.

~~(1)~~ (2) All parameters for fabrication of the lenses must be included.

~~(2)~~ (3) Prescription for contact lenses shall clearly state an expiration date of not more than one (1) year past the date the lens specifications were determined and a date of less than one (1) year from the date the lens specifications were determined is permissible only when indicated by a patient's medical condition that affects the patient's vision or a refractive problem. No doctor of optometry shall replace contact lenses

from data, which is more than three (3) years past the date the lens specifications were determined. No

doctor of optometry shall replace contact lens from data, which is more than three (3) years old, nor shall

he/she provide the specifications, which would enable another provider to replace such lenses.

He/She may provide such expired specifications to another licensed doctor of optometry, medicine, or doctor of osteopathy for the purpose of adding to a new data base from which to determine new lens specifications.

Authority O.C.G.A. §

Inactive Status:

Dr. Alex C. Nichols: License has lapsed. Send letter for reinstatement and pay fee.

Probation Report:

Lester Sharpton: In compliance.

Steven Nakdimen: In compliance.

Dr. Jones moved and Dr. Lord seconded and the Board voted to accept the probation report. Dr. Sharpton recused himself.

Executive Director Report:

Mr. Zimmerman discussed the following items of interest:

- ARBO's OE Tracking System
- ARBO Annual Meeting June 18-20, 2006 in Las Vegas

Attorney General's Report

Status and Activity Report. Accept 44 hrs. Accept Consent Order with Public Reprimand. Dr. Sharpton moved and Patricia Donnelly seconded.

Cognizant Report:

OPT060013: Refer to Investigations.

OPT060014: Dr. Christie moved and Dr. Sharpton seconded and the Board voted to close complaint.

OPT060016: Refer to Investigations.

OPT060017: Refer to Enforcement

OPT060018: Dr. Christie moved and Dr. Sharpton seconded and the Board voted to close complaint.

OPT060019: Refer to Attorney General's Office.

Enforcement Report:

OPT060013:

Liaison Report: - Georgiann Bearden

Applications

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to take the following action on applications for licensure by Reinstatement:

R.D.S.: Dr. Jones moved and Dr. Sharpton seconded and the Board voted to approve pending additional information.

M.E.L.: Dr. Jones moved and Dr. Sharpton seconded and the Board voted to approve pending additional information.

Licensees Approved Between Meetings

Name	License No.	Obtained by	Issue Date
Martino, Sharon	OPT002286	Application	1/27/2006
Orr, Dionne Camille	OPT002287	Application	2/2/2006
Cousins, Jennifer Marie	OPT002288	Application	2/17/2006
Frierson, Carla Denise	OPT002289	Application	2/17/2006

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Kim, Anthony Hyun Ki	OPT002290	Application	3/10/2006
Mangold, Weston Ray	OPT002291	Endorsement	3/13/2006
Nestorowicz, Igor David	OPT002292	Endorsement	3/13/2006
Wylie, Laney A.	OPT002293	Endorsement	3/13/2006
Kolbe, Jessica	OPT002294	Endorsement	3/22/2006
Bean, Monique Nicole	OPT002295	Endorsement	4/4/2006

Reinstatements

Name	License No.	Issue Date
Sorkin, Steven L.	OPT001412	1/25/2006
Freund, James A.	OPT001836	3/30/2006

Dr. Jones moved and Dr. Sharpton seconded and the Board voted to approve applications for licensure determined to have met licensure requirements as follows:

Discussion Items:

The Center for the Visually Impaired:

Kaiser-Permanente – Ongoing Discussion:

Inez Lockett, Exam Analyst:

Distributed information to all present. Discussed how candidates performed, number of candidates passing and failing.

There being no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

Minutes recorded by:

Sheila Sryock, Board Secretary

Minutes reviewed and edited by:

Brig Zimmerman, Executive Director

Kay F. Royal, President

Mollie L. Fleeman, Division Director